

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, AUGUST 11, 2009 – 7:00 P.M.

1. Call to Order/Roll Call

Mayor Castro called the meeting to order at 7:00 p.m.

Present:

Mayor:	Anne Castro
Vice-Mayor:	C.K. “Mac” McElyea
Commissioners:	Bob Anton
	Walter Duke
	Albert C. Jones
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

2. Invocation and Pledge of Allegiance

Father Roger Holoubek, St. Maurice Catholic Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

Item #3.1 was heard after Item #3.2

3.1 Dania Beach Paul DeMaio Library Presentation

Dominic Orlando, Director of Public Services, advised that Susan Goldstein, Expansion Project Administrator, Broward County, would not attend tonight’s meeting due to a death in the family.

Mayor Castro noted Ms. Goldstein is very excited about the Library project. She said Ms. Goldstein also indicated that this is the best team she has worked with on a City project, where citizens’ comments and several other important topics have been considered.

Merrill Romanik, AIA, Cubellis, presented a PowerPoint overview of the proposal which is attached to and incorporated into these minutes. Also present at the meeting were Dory Khater, Cubellis, Inc., Dwight Stephenson, Tim Talbert and Kevin Burke from D. Stephenson Construction, Inc. and Marie Moisdon representing Broward County Library. She explained that in view of the development of the 109 Park property for the proposed parking garage, they made some changes to the original project submitted with their Request for Proposals on February 13, 2009. Ms. Romanik further noted that the plaza originally created between the existing City Hall

and the Library has now been eliminated, although the main entrance is still located on the south side of the building. She advised that the proposed plan has been shared with the City's Planning and Zoning staff whose comments have already been addressed.

Mayor Castro stated she is very pleased with the proposal and thanked the Friends of the Library and everyone else who has been involved in this project. She asked when the groundbreaking would take place.

Commissioner Jones questioned if the building could be converted into two stories in the future.

Ms. Romanik responded the structure is not prepared for a second floor.

Director Orlando noted the County does not want a second story in the Library.

Jeremy Earle, CRA Executive Director, noted that as directed by the Commission at the June 23 meeting, Kimley-Horn is here tonight to present their findings regarding pursuing the TIGER Grant.

Greg Kyle, Kimley-Horn and Associates, presented a PowerPoint update on the TIGER Grant which is attached to and incorporated into these minutes. He indicated the City's projects do not meet the criteria to qualify for the funding. Mr. Kyle recommended that we initiate the NEPA (National Environmental Policy Act) process to be eligible for federal funding.

Commissioner Duke questioned if funding would be available when we are ready.

Mr. Kyle responded TIGER Funds will not be available because this program is geared toward shovel-ready projects. However, we are not too late to begin to secure funds through other programs. He indicated there would be no cost to the City for the first two steps of the NEPA process. The cost would be paid by the Florida Department of Transportation (FDOT) who would eventually work with the City to select the consultant to perform the studies.

Commissioner Jones asked which agencies would be interested to coordinate projects with the City. He also questioned the status of the proposed appropriations suggested by Representative Debbie Wasserman-Schultz regarding the construction of the West Dania Beach Boulevard Bridge.

Mr. Kyle advised that within the following weeks they would try to identify other local and federal funding sources that could be integrated into the marine industry district.

Colin Donnelly, Assistant City Manager, noted that he spoke with Representative Ron Klein's office which referred him to the Appropriation Web Site. He found out that Dania Beach is not listed on the earmarks for the transportation appropriations for 2010.

Vice-Mayor McElyea thought we needed to build the Dania Beach Boulevard Bridge and start developing.

Director Earle noted even if we had the funding, we still need a federal permit.

Mayor Castro clarified that the City would pay for the NEPA study. She questioned if FDOT or the County could assist us in getting the NEPA study done quicker.

Director Earle noted Broward County has expressed a lot of interest in the marine issue since it benefits them too. He remarked it is a very large and complex process which will require a lot of coordination between organizations.

Mayor Castro requested clearer information on what types of funding/grants are available. She would like staff to provide a contingency plan with financial attachments.

City Manager Baldwin noted he conducted an interview for the Finance Director position and the applicant noted that we had problems with our pension/health benefit plans, but pointed out that the City was in good financial condition. He remarked how important it is for a City to have a good Finance Director, although sometimes they may not be popular. City Manager Baldwin said that Patricia Varney, Finance Director, has an impeccable reputation among the financial community in Broward County.

City Manager Baldwin presented a plaque to Finance Director Patricia Varney for her seven years of service to the City of Dania Beach. Director Varney resigned to take a position with the City of Miami Gardens.

Patricia Varney, Finance Director, thanked the Commission, staff and the citizens for allowing her the opportunity to serve the City of Dania Beach.

The Commission as well as City Attorney Ansbro expressed their appreciation to Director Varney for her financial acumen and for helping the City.

Item #3.2 was heard before Item #3.1

- 3.2 Special Event Request for the Health and Wellness Fair - August 22, 2009 (8:30 am to 1:00 pm) at 2340 Griffin Road

Commissioner Jones motioned to approve the Special Event request for the Health and Wellness Fair; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

4. Proclamations

- 4.1 Firefighter Appreciation Month

Mayor Castro read the Firefighter Appreciation Month proclamation.

5. Citizen Comments

Ann Page, 38 SW 5th Street, representing the Friends of the Library, noted they are the support arm of the Library. She indicated that County funds have been cut for the Library and this will continue to happen during these difficult economic times. Ms. Page provided a summary of what they do. She implored the citizens to become members of the Friends of the Library to support the programs and services that are needed in our community.

Carol Stokrocki, 450 SE 7th Street #246, noted she would like to start the Dania Beach Garden Club. She indicated she has the backing of the City Manager and the Public Services Department. Ms. Stokrocki would like to beautify the area of the Linear Park from Sheridan Street to Dania Beach Boulevard. She advised they already have ten volunteers to do the work, some nurseries which are willing to donate plants, and some people who want to donate money. Ms. Stokrocki would like it to be a botanical park and asked the City to pursue some grant funds for this purpose.

It was the consensus of the Commission to support Ms. Stokrocki's proposal.

Jimmy Crimminger, 237 SW 15th Street, noted the Dania Lions Club held a very successful "Back to School" shopping spree last Saturday. He advised that the Dania Beach Committee of the Broward County A1A Scenic Highway (BA1A) hosted the FDOT/MPO van tour at the Dania Beach Pier Restaurant. Mr. Crimminger indicated that we will receive two signs, one facing east and the other facing west, and hopefully more if funding allows. He presented CRA Director Earle a beach ball to help develop the City and become the leader of the marine industry in South Florida.

Jay Field, 4501 SW 30th Way, Chairman of the Airport Advisory Board, noted they attended a meeting with Kent George, Broward County Aviation Director, on August 6. They recommend that the City Commission do not accept any Avigation Easement Agreements from the County. The Board also recommends that the property owners receive a letter advising them to seek legal counsel before signing any agreement. The Airport Advisory Board further recommended that the County pay for legal representation for the homeowners. Mr. Field advised that the Board is concerned with the quality of work that will be performed on the homes. The Airport Advisory Board invited Mr. George to attend their next meeting to continue the discussion.

Commissioner Duke noted that most of the members of the Airport Advisory Board did not attend the August 6 meeting. He requested that board members be better notified in the future.

Teddy Bohanan, 312 SW 15th Street, noted the Night Out on Crime was very successful. She thanked the Police Officers who were at the event.

6. Public Safety Reports

Donn Peterson, BSO Chief, mentioned that the murder of Officer Reyka is still unsolved. He provided an update of the recent crime activity in the City. Chief Peterson noted hundreds of people attended the National Night Out on Crime which was held in the southwest neighborhood. He encouraged everyone to get involved and make Dania Beach a safer and better place in which to live.

7. Consent Agenda

Items removed from Consent Agenda: #7.3

7.1 Minutes:

Approve minutes from July 28, 2009 City Commission Meeting
Approve minutes from July 29, 2009 Special Meeting

7.2 Travel Requests: None

Resolutions

7.3 RESOLUTION #2009-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, SUPPORTING THE APPLICATION OF THE CITY OF HOLLYWOOD FOR A REGIONAL ACTIVITY CENTER AMENDMENT, PC 05-1 AND PCT 05-1; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-143.

Mayor Castro noted she is supportive of this resolution and the request made by the City of Hollywood to expand its Regional Activity Center (RAC). She further stated that she will support it when this item is presented before the Broward County Planning Council.

Commissioner Anton motioned to adopt Resolution #2009-143; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.4 RESOLUTION #2009-149

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, CONFIRMING THAT THE DEVELOPMENT OF A CHARTER SCHOOL WITH A MARINE, AUTOMOTIVE AND AVIATION INDUSTRY EMPHASIS IS CONSISTENT WITH LOCAL PLANS AND REGULATIONS, INCLUDING THE CITY OF DANIA BEACH COMPREHENSIVE PLAN; AND SUPPORTING AN APPLICATION TO THE STATE OF FLORIDA FOR

APPROVAL OF COMMUNITY CONTRIBUTION TAX CREDIT PROJECTS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2009-150

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE ENGINEERING SERVICES FROM CALVIN, GIORDANO AND ASSOCIATES RELATING TO THE DANIA BEACH FORCE MAIN SUBAQUEOUS CROSSING PROJECT, AT A COST WHICH SHALL NOT EXCEED THIRTY-TWO THOUSAND FIVE HUNDRED THIRTY FIVE DOLLARS (\$32,535.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2009-151

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE ENGINEERING SERVICES FROM CALVIN, GIORDANO AND ASSOCIATES, INC. RELATING TO THE DANIA BEACH WATER MAIN SUBAQUEOUS CROSSING PROJECT, AT A COST WHICH SHALL NOT EXCEED FORTY-THREE THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$43,520.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2009-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPOINTING THE RHODES INSURANCE GROUP AS HEALTH CARE CONSULTANT FOR AN AMOUNT NOT TO EXCEED \$18,000.00 FOR FISCAL YEAR 2009-2010; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2009-153

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO RENEW AN AGREEMENT WITH AVMED HEALTH PLANS TO PROVIDE A SELF-FUNDED OPEN ACCESS POINT OF SERVICE ("POS") PLAN TO ELIGIBLE EMPLOYEES, RETIREES OR BOTH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2009-154

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO RENEW AN AGREEMENT WITH THE MAXON COMPANIES TO PROVIDE CLAIMS ADMINISTRATION FOR A SELF-FUNDED DENTAL, VISION AND DISABILITY PLAN TO ELIGIBLE EMPLOYEES AND RETIREES, AND TO INCLUDE IN THIS AGREEMENT ACCESS TO A DENTAL PREFERRED PROVIDER ORGANIZATION NETWORK, IN AN AMOUNT NOT TO EXCEED \$11,800.00 FOR FISCAL YEAR 2009-2010; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Item #7.3; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes

Commissioner Jones Yes

8. Bids and Requests for Proposals

There were no proposals on this agenda.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2009-012

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 18-46, PROVIDING FOR FOUR YEAR TERM LIMITS; AMENDING SECTIONS 18-43, 18-47 AND 18-48 IN COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2009-012. He clarified this law would not cause any financial impact to the City.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

Commissioner Jones motioned to adopt Ordinance #2009-012, on second reading; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

9.2 ORDINANCE #2009-014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTION 23-11 OF THE CITY CODE OF ORDINANCES, WHICH SECTION PERTAINS TO THE CITY UTILITY TAX LEVIED UPON THE PURCHASE IN THE CITY OF ELECTRICITY, METERED OR BOTTLED GAS AND WATER, TO CLARIFY THAT EACH SELLER OF THE COMMODITIES SHALL ACT AS THE COLLECTION MEDIUM AND AGENCY FOR THE COLLECTION OF THE TAX FROM THE PURCHASERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2009-014. City Attorney Ansbro noted that this Amendment to the Code of Ordinances would require each seller of these commodities to collect utility taxes and remit the taxes to the City within fifteen days following the month in which they were collected.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

Vice-Mayor McElyea motioned to adopt Ordinance #2009-014, on second reading; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

City Attorney Ansbro advised the remaining items were quasi-judicial matters and swore-in those who would speak. He asked the Commission to disclose any communication they had on these matters.

9.3 ORDINANCE #2009-013

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES, TO CREATE SECTION 22.70 TO DESIGNATE THE “GRIFFIN ROAD PARTNERS HOTEL OVERLAY DISTRICT”; PROVIDING FOR APPROVAL OF A SHARED DISTRICT MONUMENT SIGN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2009-013 and Resolution #2009-144 because they relate to the same property.

Corinne Lajoie, Principal City Planner, explained the location of the property and noted that since the original approval the site plan has been divided into three parcels owned by three different entities. She advised that the applicants are requesting the hotel overlay designation to allow shared parking and signage, to coordinate landscaping, pedestrian amenities, and vehicular movement. Ms. Lajoie advised that the applicant has met the criteria to qualify for the Hotel Overlay District designation. She further noted that the applicant is also requesting a variance to allow two identical monument signs to be placed at both entry points, which would assist tourists to identify the properties. Both the Planning and Zoning Board and staff recommend approval of the requests.

Mayor Castro opened the Public Hearings. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearings.

Commissioner Duke motioned to adopt Ordinance #2009-013, on second reading; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

9.4 RESOLUTION #2009-144

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY NICK ECONOMOS, ON BEHALF OF THE PROPERTY OWNER, GRIFFIN ROAD PARTNERS, LLC, FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF GRIFFIN

ROAD AND RAVENSWOOD ROAD, (2081 GRIFFIN ROAD), IN THE CITY OF DANIA BEACH, FLORIDA, IN CONNECTION WITH THE PROVISIONS OF CHAPTER 28, "ZONING"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt Resolution #2009-144; seconded by Commissioner Jones. The motion carried on the following 4-1 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

9.5 ORDINANCE #2009-011

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING AN AMENDMENT TO CHAPTER 28, "ZONING," OF THE CODE OF ORDINANCES, RELATING TO ARTICLE 18 ENTITLED "INDUSTRIAL RESEARCH OFFICE MARINE (IROM) DISTRICT" TO PROVIDE FOR RECREATIONAL VEHICLE (RV) SALES AS A SPECIAL EXCEPTION USE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2009-011, Resolution #2009-145, Resolution #2009-146, and Resolution #2009-147 because they relate to the same property.

Mayor Castro, Commissioner Anton and Commissioner Jones disclosed they were contacted by the applicant. Commissioner Duke recused himself because his wife represents the owner of the property.

Corinne Lajoie, Principal City Planner, explained the property is located in an Industrial-Research Office Marine (IROM) zoning district. She noted that the applicant is proposing to change the zoning code to permit the sales, leasing, display and repairs of recreational vehicles (RV) as a Special Exception Use. They are also requesting the following variances: unpaved, gravel parking in the display area; 50 parking spaces where Code requires 121; and two monument signs where Code allows only one. Lastly, Ms. Lajoie advised that the site plan request includes maintaining the existing structures for office and service, installation of solar lighting and enhancement to the existing landscaping. Staff recommends approval of the site plan, provided the other requests are granted. The Planning and Zoning Board recommends approval of all the requests.

Mayor Castro opened the Public Hearings. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearings.

Commissioner Anton liked the project and thought this type of business would fit well in the area.

Commissioner Jones was pleased to see there would be job opportunities for our residents.

Commissioner Anton motioned to adopt Ordinance #2009-011, on second reading; seconded by Commissioner Jones. The motion carried on the following 3-1 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
Commissioner Duke	Recused	Mayor Castro	Yes
Commissioner Jones	Yes		

9.6 RESOLUTION #2009-145

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUESTS SUBMITTED BY STEPHEN TILBROOK, ESQUIRE WITH THE FIRM SHUTTS & BOWEN LLP, REPRESENTING THE PROPERTY OWNER, ALAN GROSMAN OF 4300 RAVENSWOOD, LLC, FROM CHAPTER 28, "ZONING", ARTICLE 28, "SIGNS" AND ARTICLE 6.21, "OFF-STREET PARKING" AND THE ZONING APPENDIX, ARTICLE V "OFF-STREET PARKING REQUIREMENTS", FOR PROPERTY LOCATED AT 4310 RAVENSWOOD ROAD, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Jones motioned to adopt Resolution #2009-145; seconded by Commissioner Anton. The motion carried on the following 3-1 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
Commissioner Duke	Recused	Mayor Castro	Yes
Commissioner Jones	Yes		

9.7 RESOLUTION #2009-146

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST SUBMITTED BY STEPHEN TILBROOK, ESQUIRE WITH THE FIRM SHUTTS & BOWEN LLP, REPRESENTING THE PROPERTY OWNER, ALAN GROSMAN OF 4300 RAVENSWOOD, LLC FOR PROPERTY LOCATED AT 4310 RAVENSWOOD ROAD, DANIA BEACH TO ALLOW SALES, LEASING, DISPLAY AND REPAIR OF RECREATION VEHICLES AS A SPECIAL EXCEPTION IN AN IROM (INDUSTRIAL RESEARCH OFFICE MARINE) ZONING DISTRICT, FOR PROPERTY LOCATED AT 4310 RAVENSWOOD ROAD, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt Resolution #2009-146; seconded by Commissioner Jones. The motion carried on the following 3-1 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
Commissioner Duke	Recused	Mayor Castro	Yes
Commissioner Jones	Yes		

9.8 RESOLUTION #2009-147

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST (SP-19-09) SUBMITTED BY STEPHEN TILBROOK, ESQUIRE WITH THE FIRM SHUTTS & BOWEN LLP, REPRESENTING THE PROPERTY OWNER, ALAN GROSMAN OF 4300 RAVENSWOOD, LLC, FOR PROPERTY LOCATED AT 4310 RAVENSWOOD ROAD, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt Resolution #2009-147; seconded by Commissioner Jones. The motion carried on the following 3-1 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
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**Commissioner Duke
Commissioner Jones**

**Recused
Yes**

Mayor Castro

Yes

Commissioner Duke would like future projects where Ravenswood Road is involved, to be referred to as Angler's Avenue.

9.9 RESOLUTION #2009-148

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST SUBMITTED BY JODY OBERHOLTZER, MANAGING MEMBER OF GREEN OAKS LLC, FOR AN EXTENSION TO THE SITE PLAN (SP-74-07) ORIGINALLY APPROVED BY RESOLUTION 2008-116 ON JULY 22, 2008, FOR PROPERTY LOCATED AT 2960 SW 23RD TERRACE, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-148.

Kristin Dion, City Planner, explained the location of the property. She noted the applicant is requesting a one year extension of a previously approved site plan to construct a 33,000 square foot office/warehouse. The applicant stated that current economic conditions are the cause for the delay in construction. Staff recommended approval of the extension request, subject to the conditions previously approved by the City Commission.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

Commissioner Duke motioned to adopt Resolution #2009-148; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:

**Commissioner Anton
Commissioner Duke
Commissioner Jones**

**Yes
Yes
Yes**

**Vice-Mayor McElyea
Mayor Castro**

**Yes
Yes**

10. Discussion and Possible Action

10.1 Discussion of Amnesty Code Enforcement Proposal – Colin Donnelly/Nick Lupo

Nick Lupo, Code Compliance Manager, distributed information regarding the 2009 Code Fine and Lien Amnesty Program, based on direction received from the Commission. He presented a PowerPoint overview of the program, which is attached to and incorporated into these minutes. Mr. Lupo asked the Commission for their input before implementing the program on September 1, 2009.

Commissioner Jones motioned to move forward with the proposed Amnesty Code Enforcement Proposal; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

Commissioner Jones asked Mr. Lupo to include a progress update of the program in the Monthly Report provided to the City Manager.

11. Commission Comments

11.1 Commissioner Anton

Commissioner Anton complimented Public Services Director Orlando and the Stephenson/Cubellis team for a very nice presentation on the Library project.

Commissioner Anton recognized Assistant City Manager Donnelly and Code Compliance Manager Lupo for their efforts in the preparation of the Code Amnesty Program which he hopes will be very successful.

Commissioner Anton noted on Tuesday, August 4, we had a Commission Workshop to discuss the Airport Expansion issue which conflicted with the National Night Out on Crime. He explained that the attorneys and consultants invited to the meeting had a very tight schedule and this was the only date available for them. Commissioner Anton indicated that the turnout on both the Night Out on Crime and the Airport Workshop was excellent. He distributed a draft of a letter received from Special Counsel Neil McAliley, White and Case, regarding the Noise Mitigation Pilot Program. Commissioner Anton asked the other members of the Commission to review it and provide their feedback directly to City Attorney Ansbro, who would forward it to Attorney McAliley for our final comments to be sent to Broward County by September 1, 2009. He noted that there is also an appendix to the letter which lists the available options to the residents. Commissioner Anton thought the letter should be signed by Mayor Castro, or if it bears his signature, it should state that he is signing on behalf of the City Commission.

Mayor Castro suggested posting the appendix to the City's Web Site with an explanation that these are some of the suggestions received at the August 4 meeting, to allow our residents to review them.

Commissioner Anton noted he had given a copy of the draft letter with attachment to Jay Field, Chairperson of the Airport Advisory Board.

The Commission generally agreed to have Mayor Castro sign the letter to be sent to Broward County.

Commissioner Anton reiterated that people should not sign the Avigation Easement Agreement without seeking legal advice.

11.2 Commissioner Duke

Commissioner Duke noted that he is impressed with the many projects and things that have happened during the six months he has been a Commissioner. He stated he is very excited to be part of this process and to see our community getting involved in most of the projects. Commissioner Duke also recognized the hard work of City staff to get things done professionally and in a timely manner. He said that if we stay focused and keep personal politics out of issues that should not be political, we are looking at renovating our City and catching up on some lost time.

11.3 Commissioner Jones

Commissioner Jones talked about debris on SW 1st Street. He noted the street was blocked at some point and is now open, with a gate. Commissioner Jones would like staff to look into the matter.

Commissioner Jones congratulated Assistant City Manager Donnelly and Code Compliance Manager Lupo for their hard work on the proposed Code Amnesty Program.

Commissioner Jones recognized Commissioner Anton for his tireless efforts to fight the Airport Expansion. He encouraged everyone in our City to get involved, since the South Runway would affect all of us.

11.4 Vice-Mayor McElyea

Vice-Mayor McElyea noted the Night Out on Crime was very successful. Unfortunately he was unable to attend the Workshop on the Airport, which was held the same night. He congratulated BSO for their hard work in trying to eradicate crime in our community. Vice-Mayor McElyea stated he is very pleased to be back on the Commission and to see our City moving in the right direction.

11.5 Mayor Castro

Mayor Castro agreed with the remarks made by her fellow Commissioners regarding the good things happening in our City.

Mayor Castro thanked Commissioner Anton for arranging the Airport Workshop which was very successful. She was glad to see our residents talking so passionately about the Airport issue and appreciated everyone's participation.

Mayor Castro reminded everyone that the Budget hearings will be held in September. She asked our residents to come and give their valuable input during these difficult economic times.

Mayor Castro noted the "One Code" meeting will be held soon and added that the suggested changes will benefit the entire City. She encouraged everyone to participate and be heard in this community issue.

12. Appointments

Commissioner Jones appointed Alba Castillo to the Grant Advisory Board.

Commissioner Anton motioned to approve the Board appointment; seconded by Vice-Mayor McElyea. The motion carried unanimously.

13. Administrative Reports

13.1 City Manager

City Manager Baldwin asked the Commission to review the amendments made to the FY 2010 proposed Budget, in order to include any other changes into the upcoming Budget Hearings in September.

City Manager Baldwin thanked City Attorney Ansbro for his assistance in the preparation of the Amnesty Code Enforcement Program.

City Manager Baldwin advised that the Commissioners' signs in the parking lot are being repainted. He also noted that the American flag will be replaced with a new one.

City Manager Baldwin noted that staff will soon be scheduling a ribbon-cutting ceremony for the Linear Park.

Mayor Castro suggested Ms. Stokrocki and those who want to be part of the Dania Beach Garden Club also attend the Linear Park celebration.

Vice-Mayor McElyea questioned if the Beach Watch Restaurant has a new manager.

City Attorney Ansbro noted that assigning the property to anyone or sub-leasing the restaurant would be a violation of the lease agreement, and a cause for termination. He further advised that staff is meeting with the Beach Watch tenants' lawyers next week to review a number of issues that need to be addressed.

Both Commissioner Duke and Commissioner Jones asked staff to keep them informed of any issues related to the Beach Watch.

Commissioner Anton noted the equipment used for presentations in the Chamber needs to be replaced and a new pointer purchased. He asked City Manager Baldwin to look into the matter.

13.2 City Attorney

City Attorney Ansbro had no comments.

13.3 City Clerk - Reminders

Tuesday, August 19, 2009 – 6:00 p.m.
Thursday, August 20, 2009 – 5:30 p.m.
Tuesday, August 25, 2009 – 7:00 p.m.

Commission Workshop Unified Zoning Code
Executive Session (Union Negotiations)
City Commission Meeting

14. Adjournment

Mayor Castro adjourned the meeting at 9:26 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ANNE CASTRO
MAYOR-COMMISSIONER

Approved: August 25, 2009